

REMARKS

This application was filed with 83 claims. Claims 1 – 39, 50 – 53, 55 – 61 and 68 – 83 have been allowed. Claims 40 – 49, 54 and 62 – 67 have been rejected. Claims 40, 60, 62, 73, 75, 78, and 81 have been objected to for minor informalities. Claims 40 – 45, 53 – 57, 60, 62, 73, 75, 78, and 81 have been amended. Therefore, Claims 1 – 83 are pending in the Application. Reconsideration of the application based on the claims as amended and arguments submitted below is respectfully requested.

Minor Informalities

A replacement paragraph for the paragraph beginning on page 30 line 4 has been submitted to correct the error in the specification noted by the Examiner. Claims 40, 60, 62, 73, 75, 78, and 81 have been amended to correct the minor informalities noted by the Examiner.

Claim Rejections - 35 U.S.C. § 112

Applicant has amended Claims 40 – 45, 53 – 57 and 60 to provide proper antecedent basis for terms used in these claims and further depending claims. Applicant has amended Claim 40 to recite as elements “an actuator output element” and “an actuator receiving element” so as to provide antecedent basis for use of the terms in the elsewhere in the claim. Support for addition of these elements to the claim is found in Figure 3 and in the specification on page 19 reciting “an actuator output element 71” on line 5 and reciting “an actuator receiving element 73” on line 12.

Applicant has amended Claim 41 to now recite "said laser" instead of "said light generation device." The term "said laser" has an antecedent basis the "a laser" element recited in the claim. The Examiner asserts that the term "said illumination surface" has no antecedent basis. Applicant has amended Claim 41 to now recite "at least one said illumination surface" instead of "said illumination surface." Applicant notes that Claim 41 depends from Claim 40 which recites a "bimorphic photomechanical plate having at least one illumination surface" as antecedent basis for the recitation of "at least one said illumination surface" in Claim 41.

Applicant has amended Claims 42 and 54 to now recite "said light source" instead of "said light transfer device." The term "said light source" has an antecedent basis the "a light source" element recited in base Claims 40 and 50 from which Claims 42 and 54 indirectly depend, respectively. Applicant has amended Claims 42 and 54 to now recite "said laser" instead of the original recitation of "said light source." The term "said laser" has an antecedent basis the "a laser" element recited in Claims 41 and 53 from which Claims 42 and 54 respectively depend.

Applicant has amended Claims 43 - 45, 55 - 57 and 60 to provided proper antecedent basis for "the pulse repetition pattern", "the pulse duration" and "the pulse amplitude".

Applicant respectfully requests that the rejection of Claims under § 112 second paragraph be withdrawn.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that Claims 1 – 39, 50 – 53, 55 – 61, and 68 – 83 are allowable.


Applicant further thanks the Examiner for indicating that Claim 40 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112 2nd paragraph and for indicating that that Claims 41 – 49, 54 and 62 – 67 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 2nd paragraph and to include all of the limitations of the base claim and any intervening claims. Applicant has amended Claims 40 – 45, 53 – 57 and 60 to overcome the rejection under 35 U.S.C. § 112 2nd paragraph. The remaining claims depend from these amended claims. Applicant asserts that Claims 40 – 49, 54 and 62 – 67 now overcome all previous rejections under 35 U.S.C. § 112 2nd paragraph and are allowable.

All pending claims, Claims 1 – 83, are now allowable. Applicant request that the Examiner issue a notice of allowablity.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the January 10, 2005, Office Action for 1 months from April 10, 2005, to May 10, 2005. The Commissioner is authorized to charge the applicable petition fee to Deposit Account 23-0035.

The Commissioner is further authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,


Howard H. Bayless
Registration No. 51,245
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Howard H. Bayless
Waddey & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400

CERTIFICATE OF TRANSMISSION

I hereby certify that this Response and Amendment is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on May 10, 2005.

Howard H. Bayless


Signature

Registration Number 51,245


Date